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Liu

Docket 90096MGB
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Christopher J. Edge

SOFT PROOFING SYSTEM

Serial No. 10/039,668

Filed December 31, 2001

Group Art Unit: 2675

Examiner: Ming Hung Liu

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Sir:

APPEAL BRIEF TRANSMITTAL

Enclosed herewith is Appellants' Appeal Brief for the above-identified application.

The Commissioner is hereby authorized to charge the Appeal Brief filing fee to Eastman Kodak Company Deposit Account 05-0225. A duplicate copy of this letter is enclosed.

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Respectfully submitted,

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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REAL PARTY IN INTEREST

The real party in interest is Kodak Polychrome Graphics of Norwalk, Connecticut.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1-74 are on appeal in this case.

Claims 1, 2, 7, 8, 19, 51, 52, 55, 56, 59 and 60 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,750,992 to Holub, (hereinafter "Holub").

Claims 3-50, 53, 54, 57, 58, and 61-74 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Holub and U.S. Patent 5,739,809 to McLaughlin et al. (hereinafter "McLaughlin").

STATUS OF AMENDMENTS

The Appellant submitted claims 2-10, 12-15, 17, 18, 22-26, 29-31, 33-37, 42, 46-50 and 52 at the time the application was originally filed. These claims have never been amended.

The Appellant amended claims 1, 11, 16, 19-21, 27, 28, 32, 38-41, 43-45, 51, 53 and 54 in the Response to the Non-Final Office Action mailed May 28, 2004.

The Appellant added claims 55-74 in the Response to the Non-Final Office Action mailed May 28, 2004 and these claims have never been amended.

No amendments have been after the Final Office Action mailed February 9, 2005.

SUMMARY OF THE INVENTION

In general, the Appellant's invention is directed to soft proofing systems that incorporate one or more of the features to promote controlled viewing conditions. A controlled viewing condition is a parameter for viewing a particular image or set of images.¹ Accurate and equivalent color rendering is imperative for the realization of a high quality and affective soft proofing system.² In accordance with this requirement, embodiments of the claimed invention require the specification of viewing conditions for an image or an image folder and display of such images or image folders subject to satisfaction of the viewing conditions.³

Viewing conditions may include, for example, calibration information indicating a required calibration state of a display device associated with a viewing station and/or information specifying one or more sharpening techniques to be applied at a viewing station.⁴ In some claimed embodiments, a viewing condition may be an amount of time that a display device at a viewing station has been turned on.⁵ If a display device at a viewing station has not been turned on for an acceptable amount of time, viewing of an image may be restricted.⁶ For example, restricting viewing of an image may include restricting an ability to annotate the image.⁷ In other embodiments, a calibration procedure may be restricted if a display device at a viewing station has not been turned on for an acceptable amount of time.⁸

The process of selecting viewing conditions may involve a computer, e.g., in some claimed embodiments, viewing conditions may be sent by a computer or specified according to input received by a computer.⁹ Viewing conditions may also be selected by an administrator.¹⁰ Selected viewing conditions control visual accuracy of the output viewed by reviewers associated with viewing stations.¹¹ Restricting the ability, e.g., of a reviewer, to view the image when one or more of the viewing conditions have not been met can assure that an image viewed at a viewing station is

¹ See Application, page 10, lines 22-24.

² See Application, page 3, lines 30-31.

³ See claims 1, 11, 19, 21, 27, 32, 38, 41, 43, 45, 51, 53 and 54.

⁴ See claims 2 and 7.

⁵ See claims 38, 41, 43 and 44.

⁶ See claims 38 and 43.

⁷ See claim 47.

⁸ See claims 41 and 44.

⁹ See claims 1, 11, 19, 21, 27, 45, 51 and 54.

¹⁰ See claim 37.

¹¹ See Application, page 5, lines 24-25.

representative of the original image.¹² For example, administrative control of viewing conditions can provide a safeguard to ensure that color specialist reviewers at viewing stations do not analyze incorrect renditions of color images.¹³ Even without administrative control, however, the invention may improve the soft proofing system by automatically monitoring viewing conditions.¹⁴

¹² See Application, page 5, lines 27-29.

¹³ See Application, page 4, lines 3-5.

¹⁴ See Application, page 4, lines 5-7.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The Appellant submits the following grounds of rejection to be reviewed on Appeal:

(1) The first ground of rejection to be reviewed on appeal is the rejection of claims 1, 2, 7, 8, 19, 51, 52, 55, 56, 59 and 60 under 35 U.S.C. §102(e) as being anticipated by Holub.

(2) The second ground of rejection to be reviewed on appeal the rejection of claims 3-50, 53, 54, 57, 58, and 61-74 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin.

ARGUMENTS

In the Final Office Action, the Examiner rejected the Appellant's claims 1, 2, 7, 8, 19, 51, 52, 55-57, 59 and 60 under 35 U.S.C. §102(e) as being anticipated by Holub. In the Final Office Action, the Examiner also rejected claims 3-50, 53, 54, 58, and 61-74 under 35 U.S.C. § 103(a) as being obvious over a combination of Holub and McLaughlin. In the Advisory Action mailed May 18, 2005, the Examiner changed the rejection of claim 57 from under 35 U.S.C. §102(e) to a rejection under 35 U.S.C. §103(a) as being obvious over a combination of Holub and McLaughlin.

In order to support an anticipation rejection under 35 U.S.C. §102(e), it is well established that a prior art reference must disclose each and every element of a claim. This well known rule of law is commonly referred to as the "all-elements rule."¹⁵ If a prior art reference fails to disclose any element of a claim, then rejection under 35 U.S.C. §102(e) is improper.¹⁶

Furthermore, the Examiner bears the burden of establishing a prima facie case of obviousness to support a rejection under 35 U.S.C. §103(a).¹⁷ In doing so, the Examiner must determine whether the prior art provides a "teaching or suggestion to one of ordinary skill in the art to make the changes that would produce" the claimed invention.¹⁸ A prima facie case of obviousness is established only when this burden is met. The Court of Appeals for the Federal Circuit recently addressed the evidentiary standard required to uphold an obviousness rejection.¹⁹ Specifically, the Federal Circuit stated: "[the] factual question of motivation is material to patentability, and (can) not be resolved on subjective belief and unknown authority."²⁰ Deficiencies in the evidentiary record cannot be cured by general conclusions such as "general knowledge" or "common sense."²¹ Accordingly, the Examiner cannot rely on unsupported, conclusory statements to close holes in the evidentiary record.²² A

¹⁵ See *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81 (CAFC 1986) ("it is axiomatic that for prior art to anticipate under 102 it has to meet every element of the claimed invention").

¹⁶ *Id.* See also *Lewmar Marine, Inc. v. Barient, Inc.* 827 F.2d 744, 3 USPQ2d 1766 (CAFC 1987); *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (CAFC 1990); *C.R. Bard, Inc. v. MP Systems, Inc.*, 157 F.3d 1340, 48 USPQ2d 1225 (CAFC 1998); *Oney v. Ratliff*, 182 F.3d 893, 51 USPQ2d 1697 (CAFC 1999); *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 57 USPQ2d 1057 (CAFC 2000).

¹⁷ *In re Oetiker*, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

¹⁸ *In re Chu*, 36 USPQ2d 1089, 1094 (Fed. Cir. 1995).

¹⁹ *In re Lee*, 61 USPQ2d 1430, (CAFC 2002).

²⁰ *Id.* at 1434.

²¹ *Id.*

²² *Id.*

proper rejection under 35 U.S.C. § 103(a) requires that the Examiner establish, based on concrete prior art references, that it would have been obvious to a person with ordinary skill in the art to incorporate each of the features in the rejected claims at the time of the Appellant's invention. The Examiner has failed to meet this burden.

The applied references fail to disclose or suggest the features defined by the Appellant's claims. Furthermore, the applied references would not have made the Appellant's claimed invention obvious to one of ordinary skill in the art at the time of the Appellant's invention. Therefore, the Appellant respectfully request that all rejections be reversed by the Board. The Appellant addresses the Holub and McLaughlin references and the specific rejections in greater detail below.

The Holub reference (U.S. Patent 6,750,992)

Holub is cited by the Examiner in the rejection of claims 1, 2, 7, 8, 19, 51, 52, 55, 56, 59 and 60 under 35 U.S.C. §102(e) and again cited in combination with McLaughlin in the rejection of claims 3-50, 53, 54, 57, 58, and 61-74 under 35 U.S.C. §103(a). Holub discloses a process for calibration or error correction at individual nodes in system 100.²³ To summarize the disclosure of Holub, an individual node is calibrated with color measuring instruments (CMI), which compare a "virtual proofing" to the output of a rendering device at the node to determine error at that node. The determined error may then be used as an error-correction input.²⁴ As such, the determined error is not a viewing condition, but rather a calculated correction based on viewing the output of a rendering device.

Stated in the most general terms, the disclosure of Holub finds and fixes rendering errors after-the-fact. In contrast, in the context of soft proofing systems, the Appellant's invention may prevent such errors in the first place insofar as the Appellant's invention allows for specification of viewing conditions for an image and display of the image subject to the viewing conditions.

Holub fails to disclose or suggest several features recited in the Appellant's claims. As one example, Holub fails to disclose or suggest a computer that specifies viewing conditions for the image. As another example, Holub fails to disclose displaying an image subject to satisfaction of the viewing conditions. Holub also fails

²³ See Holub, FIG. 3A.

²⁴ See Holub, FIG. 18A and column 40, line 59-column 41, line 16.

to disclose determining an amount of time that a display device at a viewing station has been turned on or restricting viewing of an image received from a computer when the display device has not been turned on for an acceptable amount of time. These and other issues are addressed in greater detail below.

The McLaughlin reference (U.S. Patent 5,739,809)

McLaughlin is cited by the Examiner in combination with Holub in the rejection of claims 3-50, 53, 54, 57, 58, and 61-74 under 35 U.S.C. §103(a). McLaughlin describes a method for controlling a display, and automatic display parameter calibration that is totally unrelated to any image, but appears to apply to all display output, regardless of which images are presented by the display.²⁵

McLaughlin fails to disclose several features recited in the Appellant's claims. For example, McLaughlin fails to disclose or suggest a computer that specifies viewing conditions for the image or displaying an image subject to satisfaction of the viewing conditions. McLaughlin also fails to determine an amount of time that a display device at a viewing station has been turned on or restricting viewing of an image received from a computer when the display device has not been turned on for an acceptable amount of time. These and other issues are addressed in greater detail below.

FIRST GROUNDS OF REJECTION – 35 U.S.C. § 102(e)

The first ground of rejection to be reviewed on appeal is the rejection of claims 1, 2, 7, 8, 19, 51, 52, 55, 56, 59 and 60 under 35 U.S.C. §102(e) as being anticipated by Holub.

Group 1 - Claims 1, 8, 55 and 56

Appellant respectfully request reversal of the rejections of claims 1, 8, 55 and 56 under 35 U.S.C. §102(e) as being anticipated by Holub. Each of these claims includes features that are not disclosed or suggested in Holub. First, Holub fails to disclose or suggests specifying viewing conditions for an image as recited by independent claim 1. To clarify, this means that the specified viewing conditions are particular to an image or set of images. In contrast, Holub discloses calibration of a

rendering device (e.g., a video display or hard copy printer), wherein the calibration is particular to the rendering device, but not particular to individual images or set of images.

Second, because Holub fails to even disclose viewing conditions for an image or set of images, it also fails to teach the display of the image subject to satisfaction of the viewing conditions, also recited by claim 1. The display of images in Holub is not subject to anything, much less subject to the satisfaction of a viewing condition for an image. In contrast to the Appellant's invention, if the system disclosed in Holub were turned on and functioning properly, the given image will be displayed, regardless of the viewing conditions. Therefore, the display of an image in Holub is not subject to the satisfaction of viewing conditions. Moreover, the ability to specify viewing conditions such that images are viewed subject to such viewing conditions is highly desirable in soft proofing where image viewing under non-controlled viewing conditions can undermine the ability to proof images.

In the Final Office Action, the Examiner cited Holub, and specifically identified FIG. 3A and column 12, lines 10-19 of Holub as disclosing the features of the Appellant's claim 1. The portion of Holub cited by the Examiner describes a rendering node comprising a programmable computer, a network communication device, a color measuring instrument and a rendering device. It is not clear how this passage is even remotely related to elements of the Appellant's current invention, other than the Appellant's claim 1 recites a computer and a viewing station which might be viewed as similar to the programmable computer and the rendering device of Holub. However, nothing in Holub discloses or suggests image specific viewing conditions or the display of images subject to satisfaction of the viewing conditions at a viewing station. Holub lacks any suggestion of these features of the Appellant's claims.

Group 2 – Claim 2

The Appellant respectfully requests reversal of the rejection of claim 2 under 35 U.S.C. §102(e) as being anticipated by Holub. Claim 2 is dependent on claim 1, and the rejection of claim 2 is in error for at least the reasons the rejection of claim 1 is in error as argued in this Appeal, supra. Additionally, claim 2 recites the viewing

²⁵ See McLaughlin, Abstract.

conditions as comprising calibration information. In contrast to the disclosure of Holub, claim 2 requires that the calibration information is for the image. Holub discloses a calibration adjustment for a device in which the adjustment is calculated by comparing an image rendered by the device to a “virtual proof”.²⁶ However, Holub lacks any suggestion of calibration information that is specifically specified for an image itself, not a proof of the image.

Group 3 - Claim 7

The Appellant respectfully requests reversal of the rejection of claim 7 under 35 U.S.C. §102(e) as being anticipated by Holub. Claim 7 is dependent on claim 1, and the rejection of claim 7 is in error for at least the reasons the rejection of claim 1 is in error as argued in this Appeal, supra. Additionally, claim 7 requires that the viewing conditions include information specifying one or more sharpening techniques to be applied at the viewing station. The display of an image at a viewing station, subject to the satisfaction of the application of one or more specified sharpening techniques, is not disclosed in Holub.

Group 4 - Claims 19, 59 and 60

The Appellant respectfully requests reversal of the rejection of claims 19, 59 and 60 under 35 U.S.C. §102(e) as being anticipated by Holub. Each of these claims includes features that are not disclosed or suggested in any of the applied references, either alone or in combination. First, none of the applied references discloses or suggests specifying viewing conditions for an image as recited by independent claim 19. In contrast, Holub discloses calibration of a rendering device (e.g., a video display or hard copy printer), wherein the calibration is particular to the rendering device, but not particular to individual images or image folders.

Second, because Holub fails to even disclose viewing conditions for an image or image folders, Holub also fails to teach the display of the image subject to satisfaction of the viewing conditions, also recited by claim 19. The display of images in Holub is not subject to anything, much less subject to the satisfaction of a viewing condition for an image. In contrast to the Appellant’s invention, if the system of Holub is turned on and functioning properly, the given image will be displayed,

²⁶ See Holub, FIGS. 18A-B and column 41, lines 11-16.

regardless of the viewing conditions. The display of an image in Holub is not subject to the satisfaction of viewing conditions.

Group 5 - Claims 51 and 52

The Appellant respectfully requests reversal of the rejection of claims 51 and 52 under 35 U.S.C. §102(e) as being anticipated by Holub. Claims 51 and 52 each include features that are not disclosed or suggested in Holub. The Examiner rejected independent claim 51 under 35 U.S.C. §102, citing Holub, column 47, line 23. The cited disclosure, however, merely describes a process that allows a user to edit an on-screen image. In contrast to the features recited by claim 51, Holub does not teach displaying an image with a conspicuous marking an image if a viewing condition has not been satisfied. Neither Holub nor any of the other applied references discloses or suggests displaying an image with a conspicuous marking an image if a viewing condition has not been satisfied, and the Examiner has identified nothing that would suggest otherwise.

SECOND GROUNDS OF REJECTION – 35 U.S.C. § 103(a)

The second ground of rejection to be reviewed on appeal the rejection of claims 3-50, 53, 54, 57, 58, and 61-74 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin.

Group 1 - Claims 3-6 and 8-10

Appellant respectfully request reversal of the rejections of claims 3-6 and 8-10 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. Each of these claims includes features that are not disclosed or suggested in any of the applied references, either alone or in combination. First, none of the applied references discloses or suggests specifying viewing conditions for an image as recited by independent claim 1. In contrast, the applied prior art discloses calibration of a rendering device (e.g., a video display or hard copy printer), wherein the calibration is particular to the rendering device, but not particular to individual images or set of images.

Second, because the applied prior art fails to even disclose viewing conditions for an image or set of images, the applied prior art also fails to teach the display of the

image subject to satisfaction of the viewing conditions, also recited by claim 1. The display of images in the applied prior art is not subject to anything, much less subject to the satisfaction of a viewing condition for an image. In contrast to the Appellant's invention, if the systems disclosed in the applied prior art are turned on and functioning properly, the given image will be displayed, regardless of the viewing conditions. Therefore, the display of an image in the prior art systems are not subject to the satisfaction of viewing conditions. Moreover, the ability to specify viewing conditions such that images are viewed subject to such viewing conditions is highly desirable in soft proofing where image viewing under non-controlled viewing conditions can undermine the ability to proof images.

In the Final Office Action, the Examiner cited Holub, and specifically identified FIG. 3A and column 12, lines 10-19 of Holub as disclosing the features of the Appellant's claim 1. The portion of Holub cited by the Examiner describes a rendering node comprising a programmable computer, a network communication device, a color measuring instrument and a rendering device. It is not clear how this passage is even remotely related to elements of the Appellant's current invention, other than the Appellant's claim 1 recites a computer and a viewing station which might be viewed as similar to the programmable computer and the rendering device of Holub. However, nothing in the cited references discloses or suggests image specific viewing conditions or the display of images subject to satisfaction of the viewing conditions at a viewing station. The cited references lack any suggestion of these features of the Appellant's claim 1. Claim 1 would not have been obvious to one of ordinary skill in the art; therefore, claims 3-6 and 8-10 also would not have been obvious to one of ordinary skill in the art at the time of the Appellant's invention.

Group 2 - Claim 7

The Appellant respectfully requests reversal of the rejection of claim 7 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. Claim 7 requires that the viewing conditions include information specifying one or more sharpening techniques to be applied at the viewing station. The display of an image at a viewing station, subject to the satisfaction of the application of one or more specified sharpening techniques, is not disclosed cited prior art. Furthermore, it would not have been obvious to one of ordinary skill in the art at the time of the

Appellant invention to display an image at a viewing station subject to the satisfaction of the application of one or more specified sharpening techniques. Holub and McLaughlin, individually and collectively, fail to disclose or suggest such features.

Group 3 - Claims 11-18, 57 and 58

The Appellant respectfully requests reversal of the rejection of claims 11-18, 57 and 58 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. The cited prior art fails to disclose or suggest the display of an image at a viewing station be restricted when viewing conditions are not satisfied, as recited by claim 11. The Examiner asserted that such a feature was implied in McLaughlin, column 6, lines 35-48.²⁷ However, that passage in McLaughlin merely discloses configuring a display when it is used for the first time. Configuring the display for the first time, as performed by McLaughlin, is not described as an image specific viewing condition that must be satisfied in order to view the image. Instead, the display configuration in McLaughlin appears to be simply part of the initial set-up of the system – akin to taking a new computer out of the box, making necessary cable connections and turning it on for the first time. Furthermore, during the process of configuring the display device in McLaughlin, column 6, lines 35-48, no image is received by a computer. McLaughlin, column 6, lines 35-48 fails to even disclose an image, much less receiving an image or restricting display of the image, and does not add anything to the disclosure of Holub that would have led a person of ordinary skill in the art to modify Holub to restrict the display of an image if a viewing condition for the image is not satisfied at the viewing station. In short, any combination of the features of Holub and McLaughlin does not produce or suggest the Appellant's invention as recited by claim 11 insofar as neither reference disclose or suggest restricting the display of an image if a viewing condition for the image is not satisfied at the viewing station.

Group 4 - Claims 19 and 20

The Appellant respectfully requests reversal of the rejection of claims 19 and 20 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. Each of these claims includes features that are not disclosed or suggested in any of the

applied references, either alone or in combination. First, none of the applied references discloses or suggests specifying viewing conditions for an image as recited by independent claim 19. In contrast, the prior art of record discloses calibration of a rendering device (e.g., a video display or hard copy printer), wherein the calibration is particular to the rendering device, but not particular to individual images or image folders.

Second, because the prior art of record fails to even disclose viewing conditions for an images or image folders, the prior art also fails to teach the display of the image subject to satisfaction of the viewing conditions, also recited by claim 19.

The display of images in the applied prior art is not subject to anything, much less subject to the satisfaction of a viewing condition for an image. In contrast to the Appellant's invention, if the systems disclosed in the prior art are turned on and functioning properly, the given image will be displayed, regardless of the viewing conditions. Therefore, the display of an image in the prior art systems do not appear to be subject to the satisfaction of viewing conditions. Moreover, the ability to specify viewing conditions such that images are viewed subject to such viewing conditions is highly desirable in soft proofing where image viewing under non-controlled viewing conditions can undermine the ability to proof images.

As described with respect to claims 3-6 and 8-10, supra, the prior art fails to disclose or suggests viewing conditions that are specified for an image as required by claim 19. Moreover, none of the applied references disclose or suggests the display of images subject to anything, much less the display of an image subject to viewing conditions being satisfied at the viewing station, also required by claim 19. Again, any combination of the features of Holub and McLaughlin does not produce or suggest the Appellant's invention as recited by claim 19.

Group 5 - Claims 21-26, 61 and 62

The Appellant respectfully requests reversal of the rejection of claims 21-26, 61 and 62 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. The cited prior art fails to disclose or suggest restricting display of an image when viewing conditions for the image are not satisfied, as recited by claim 21. The Examiner asserted that such a feature was implied in McLaughlin, column 6,

²⁷ Final Office Action mailed February 9, 2005, page 5, paragraph 3.

lines 35-48.²⁸ However, as stated with respect to claim 11, supra, that passage in McLaughlin merely discloses configuring a display when it is used for the first time. McLaughlin, column 6, lines 35-48 fails to even disclose an image, much less receiving an image or restricting display of the image, and does not add anything to the disclosure of Holub that would have led a person of ordinary skill in the art to modify Holub to restrict the display of an image if a viewing condition for the image is not satisfied at the viewing station. In short, any combination of the features of Holub and McLaughlin does not produce or suggest the Appellant's invention as recited by claim 21 insofar as neither reference disclose or suggest restricting the display of an image if a viewing condition for the image is not satisfied at the viewing station.

Group 6 - Claims 27-31, 63 and 64

The Appellant respectfully requests reversal of the rejection of claims 27-31, 63 and 64 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. The cited prior art fails to disclose or suggest restricting display of an image when viewing conditions for the image are not satisfied, as recited by claim 27.

The Examiner asserted that such a feature was implied in McLaughlin, column 6, lines 35-48.²⁹ However, as stated with respect to claim 11, supra, that passage in McLaughlin merely discloses configuring a display when it is used for the first time. In short, any combination of the features of Holub and McLaughlin does not produce or suggest the Appellant's invention as recited by claim 27 insofar as neither reference disclose or suggest restricting the display of an image if a viewing condition for the image is not satisfied at the viewing station.

Group 7 - Claims 32-36, 65 and 66

The Appellant respectfully requests reversal of the rejection of claims 32-36, 65 and 66 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. The Examiner rejected independent claim 32 "essentially on the grounds presented in the rejection of claims 11, 21 and 27."³⁰ Yet, these claims recite different features insofar as the features of independent claim 32 are different than the

²⁸ Final Office Action mailed February 9, 2005, page 5, paragraph 3.

²⁹ Final Office Action mailed February 9, 2005, page 5, paragraph 3.

features of independent claims 11, 21 and 27. The Examiner's statement that claim 32 is rejected essentially on the grounds presented in the rejection of claims 11, 21 and 27 is inconsistent and requires further clarification for the Appellant to properly respond. The point may be moot, however, as claim 32 is in condition for allowance for the reasons identified herein.

Claim 32 requires that access to the image data of the image file at a viewing station is restricted by the image file when the viewing conditions have not been satisfied at the viewing station. This feature is not present in the prior art. The Examiner cited Holub, column 9, lines 41-44 as disclosing the features in claim 32.³¹ This portion of Holub only describes a "file structure . . . which specifically, addresses accurate color sensing and rendition in a networked environment." The Appellant is confused as to how the Examiner thinks this passage of Holub at column 9, lines 41-44 relates to the subject matter of claim 32. The only similarity appears to be that this passage demonstrates the Holub system makes use of image files. However, there is no mention in Holub of a viewing condition for an image file as recited in claim 32, no mention of restricting access to an image file as recited in claim 32, and no mention of the image file restricting access to the file when viewing conditions have not been satisfied as recited in claim 32. For each of these three reasons, the Examiner has failed to establish a prima facie case of obviousness.

Group 8 - Claim 37

The Appellant respectfully requests reversal of the rejection of claim 37 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. Claim 37 is dependent on claim 32, and the rejection of claim 37 is in error for at least the reasons the rejection of claim 32 is in error as argued in this Appeal, supra. Additionally, claim 37 requires access to the viewing conditions within the image file is restricted such that only an administrator can change the viewing conditions. The Examiner cited McLaughlin, column 3, lines 41-49 as disclosing this feature of claim 37:

. . . executes a locking operation in which it disables mechanical front panel controls on the display device, periodically and automatically polls the status of the display, and automatically corrects any display parameter whose value differs from a desired value (preferably also the

³⁰ Final Office Action mailed February 9, 2005, page 8, paragraph 2.

³¹ Final Office Action mailed February 9, 2005, page 8, paragraph 2.

- locking software implements password protection to prevent unauthorized users from using the inventive display control software when the mechanical front panel controls are disabled);

As is the case with each of the other cited references, this cited portion of McLaughlin fails to recite restricting access to viewing conditions within an image file. On the contrary, it simply discloses password protection for display control software. The Examiner has failed to establish a prima facie case of obviousness with respect to claim 37.

Group 9 - Claims 38-40

The Appellant respectfully requests reversal of the rejection of claims 38-40 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. The Examiner rejected claim 38 “on the reasoning presented in the rejection of claims 11 and 6.”³² In rejecting claim 6, the Examiner stated that McLaughlin, column 6, lines 35-48 implies that the initial warm-up/configuration parameters need to be set up before the display can be used for images.³³

As stated with respect to claim 11, supra, that passage in McLaughlin merely discloses configuring a display only when it is used for the first time, but not each time it is turned on. Furthermore, McLaughlin does not teach or suggest restricting viewing of an image when the display device has not been turned on for an acceptable amount of time, as recited by claim 38. In short, the combination of the features of Holub and McLaughlin does not produce or suggest the Appellant’s invention as recited by claim 38 insofar as neither reference disclose or suggest restricting viewing of an image when the display device has not been turned on for an acceptable amount of time.

Group 10 - Claims 41 and 42

The Appellant respectfully requests reversal of the rejection of claims 41 and 42 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. Claim 41 requires determining the amount of time a display has been turned on and

³² Final Office Action mailed February 9, 2005, page 8, paragraph 8.

³³ Final Office Action mailed February 9, 2005, page 5, paragraph 3.

restricting a calibration procedure if the display has not been turned on for an acceptable amount of time. None of the applied references teach any of these features.

In rejecting claim 41 under 35 U.S.C. §103, the Examiner cited Holub in view of McLaughlin, and specifically identified McLaughlin column 8, lines 26-30 and column 6, lines 35-41 as disclosing the features of the Appellant's claim 41. McLaughlin column 8, lines 26-30 reads, "automatically disables the mechanical front panel controls if the polling software finds that they have inadvertently become active. . ." I.e., prevent a user from adjusting the controls from set values. In contrast to the features of claim 41, McLaughlin fails to relate such a restriction to the amount of time a display device has been turned on.

McLaughlin column 6, lines 35-48 reads:

In typical embodiments of the inventive software, each time the software is used for the first time with a new display 16, the software automatically prompts the user to perform software configuration by manipulating mouse 18 or keyboard 10 to specify the type of display 16. (i.e., the hardware employed to implement display device 16). Typically, the configuration operation is performed by manipulating mouse 18 or keyboard 10 in response to dialog boxes, menus, and/or other prompts displayed on in control area 30 of the main window on display 16. The purpose of configuration is to set parameters (e.g., the manufacturer and model of the display device, an identification of the port to which the display is connected, etc.) to be used in display control and calibration routines to be performed later.

This portion of McLaughlin only describes the initial set-up of the McLaughlin system. It is completely unrelated to restricting a calibration procedure when the display device has not been turned on for the acceptable amount of time, as recited by claim 41. In short, neither passage of McLaughlin cited by the Examiner in rejecting claim 41 discloses or suggests anything that relates to the amount of time a display has been active, much less determining such a time or restricting calibration procedure until the display device has been turned on for the acceptable amount of time.

Group 11 - Claim 43

The Appellant respectfully requests reversal of the rejection of claim 43 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. Claim 43 requires determining the amount of time a display has been turned on and restricting

viewing of an image if the display has not been turned on for an acceptable amount of time. These features are not present in the applied prior art.

The Examiner rejected claims 43 on the grounds presented in the rejection of claims 21, 27 and 6. In the rejection of claim 6, the Examiner cited McLaughlin column 6, lines 35-48 (quoted above) and FIG. 2. The initial set-up described in McLaughlin column 6, lines 35-48 is different from measuring the amount of time a display has been turned on for numerous reasons. First, no measurement of time is being taken by the McLaughlin system. Second, the cited disclosure only refers to the set-up process of McLaughlin system. A set-up process is not a feature of the McLaughlin system, but a common aspect of many computerized systems.

In the McLaughlin system, one of ordinary skill in the art would understand that display 16³⁴ may be turned off after the described initial set-up (e.g., to save power), while the rest of the system remains on. One of ordinary skill in the art would expect that once display 16 was turned back on, the McLaughlin system would immediately allow viewing of images. There is no evidence that the McLaughlin system does not function in this expected manner. In contrast, in the Appellant's invention, as recited in claim 43, the amount of time that a display device has been turned on operates as a viewing condition, wherein display of an image is restricted when the display device has not been turned on for an acceptable amount of time.

Group 12 - Claim 44

The Appellant respectfully requests reversal of the rejection of claim 44 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. Claim 44 requires determining the amount of time a display has been turned on and restricting viewing of an image if the display has not been turned on for an acceptable amount of time. Neither Holub nor McLaughlin teaches any of these features.

The Examiner rejected claims 44 on the grounds presented in the rejection of claims 21, 27 and 6. As described with respect to claim 43, supra, the initial set-up described in McLaughlin column 6, lines 35-48 is different from measuring the amount of time a display has been turned on for numerous reasons. In contrast, , as recited in claim 44, the amount of time that a display device has been turned on

³⁴ McLaughlin, Figure 2.

operates as a viewing condition, wherein display of an image is restricted when the display device has not been turned on for an acceptable amount of time.

Group 13 - Claims 45, 46, 48-50, 67 and 68

The Appellant respectfully requests reversal of the rejection of claims 45, 46, 48-50, 67 and 68 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. The Examiner also rejected independent claim 45 on the grounds presented in claim 6. The basis for the Examiner's rejection for claim 45 is unclear as claims 6 and 45 contain different limitations. Claim 45 recites a method comprising receiving an image and viewing conditions at a viewing station from a computer, and restricting an ability of a user to proof the image on a display device at the viewing station when viewing conditions have not been satisfied at the viewing station. The Appellant submits that claim 45 should be allowed for the same reasons as describe with respect to claim 11 and claim 41, supra. The Appellant notes, however, that restriction of the ability to proof an image as recited in claim 45 may be broader than restriction of the display of an image as recited in claim 11. For example, restriction of the ability to proof an image could comprise restricting viewing of the image, as recited in claim 46. In any case, none of these features are disclosed or suggested in Holub, McLaughlin or any of the other applied references.

Group 14 - Claim 47

The Appellant respectfully requests reversal of the rejection of claim 47 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. Claim 47 is dependent on claim 45, and the rejection of claim 47 is in error for at least the reasons the rejection of claim 45 is in error as argued in this Appeal, supra. Additionally, claim 47 requires wherein restricting comprises restricting an ability to annotate the image. The Examiner appears to have not even addressed the limitations of dependent claim 47 relating to the restriction of the ability to annotate an image. Such a feature is not disclosed or suggested in Holub, McLaughlin or any of the other applied references.

Group 15 - Claims 69 and 70

The Appellant respectfully requests reversal of the rejection of claims 69 and 70 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. Each of these claims includes features that are not disclosed or suggested in any of the applied references, either alone or in combination. The Examiner rejected independent claim 51 under 35 U.S.C. §102, citing Holub, column 47, line 23. The cited disclosure, however, merely describes a process that allows a user to edit an on-screen image. Neither Holub nor McLaughlin disclose or suggests displaying an image with a conspicuous marking an image if a viewing condition has not been satisfied, and the Examiner has identified nothing that would suggest otherwise. Holub and McLaughlin, individually and collectively fail to disclose or suggest the subject matter of claim 51. As such, the subject matter of claim 69 and 70 would not have been obvious to one of ordinary skill in the art at the time of the Appellant's invention.

Group 16 - Claims 53, 71 and 72

The Appellant respectfully requests reversal of the rejection of claims 53, 71 and 72 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. The Appellant submits that claims 53 should be allowed for the same reasons as claim 3-6 and 8-10, as described supra. The Examiner rejected independent claim 53 on the grounds of rejection provided in the rejection of claim 6 and, in addition, cited Holub, column 25, lines 36-45. However, the cited disclosure of Holub discusses a method of correction of a rendering error, as discussed above. The method described in Holub does not restrict the ability to display the images on a display device at a viewing station if the viewing conditions are not satisfied at the viewing station as required by the Appellant's claim 53.

Group 17 - Claims 54, 73 and 74

The Appellant respectfully requests reversal of the rejection of claims 54, 73 and 74 under 35 U.S.C. §103(a) as being obvious in view of Holub and McLaughlin. The Appellant submits that claims 54 should be allowed for the same reasons as claim 3-6 and 8-10, as described supra. The Examiner rejected independent claim 54 on the grounds of rejection provided in the rejection of claim 6 and, in addition, cited Holub,

column 25, lines 36-45. However, the cited disclosure of Holub discusses a method of correction of a rendering error, as discussed above. Holub fails to teach a computer that specifies one or more viewing conditions of a set of images in a folder as required by claim 54. Holub also lacks any teaching wherein the display of one or more of the images is subject to viewing conditions being satisfied, another limitation of claim 54. The display of images in Holub is not subject to satisfaction of a viewing condition or subject to anything else. The subject matter of claim 54 would not have been obvious to one of ordinary skill in the art at the time of the Appellant's invention.

Conclusion of Arguments

The Examiner has failed to meet the burden of establishing anticipation with respect to claims 1, 2, 7, 8, 19, 51, 52, 55, 56, 59 and 60. The Examiner has also failed to meet the burden of establishing a prima facie case of obviousness with respect to claims 3-50, 53, 54, 57, 58, and 61-74. In view of the Appellant' arguments, the final rejection of claims 1-74 is improper and should be reversed.

Respectfully submitted,

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APPENDIX: CLAIMS ON APPEAL

Claim 1 (Previously Presented): A soft proofing system comprising:

a computer that specifies one or more viewing conditions for an image; and
a viewing station that receives the image and the viewing conditions from the computer and displays the image subject to satisfaction of the viewing conditions at the viewing station.

Claim 2 (Original): The system of claim 1, wherein the viewing conditions comprise calibration information indicating a required calibration state of a display device associated with the viewing station.

Claim 3 (Original): The system of claim 1, wherein the viewing conditions comprise calibration information that specify a maximum amount of time since a display device at the viewing station was last calibrated.

Claim 4 (Original): The system of claim 3, wherein the viewing station automatically prompts a user to calibrate the display device when the display device has not been calibrated within the maximum amount of time.

Claim 5 (Original): The system of claim 3, wherein the calibration information causes the viewing station to automatically prompt a user to calibrate the display device in order to view the image.

Claim 6 (Original): The system of claim 1, wherein the viewing conditions comprise warm-up information that cause the viewing station to restrict display of the image when a display device of the viewing station has not been turned on for an amount of time.

Claim 7 (Original): The system of claim 1, wherein the viewing conditions include information specifying one or more sharpening techniques to be applied at the viewing station.

Claim 8 (Original): The system of claim 1, wherein the viewing station displays the image by converting image data from a first coordinate system to a second coordinate system and driving a display device according to the converted image data.

Claim 9 (Original): The system of claim 1, wherein the viewing station does not permit modification of the viewing conditions.

Claim 10 (Original): The system of claim 1, wherein the viewing station displays a notification in the event any of the viewing conditions are modified by a user at the viewing station.

Claim 11 (Previously Presented): A method comprising:
receiving image data and viewing conditions from a computer; and
restricting display of an image according to the image data at a viewing station when the viewing conditions are not satisfied at the viewing station.

Claim 12 (Original): The method of claim 11, wherein the viewing conditions comprise calibration information indicating a required calibration state of a display device associated with a viewing station.

Claim 13 (Original): The method of claim 11, wherein the viewing conditions comprise calibration information that specify a maximum amount of time since a display device at the viewing station was last calibrated.

Claim 14 (Original): The method of claim 13, further comprising prompting a user to calibrate the display device when the display device has not been calibrated within the maximum amount of time.

Claim 15 (Original): The method of claim 12, further comprising prior to displaying the image, prompting a user to calibrate a display device at the viewing station in order to view the image.

Claim 16 (Previously Presented): The method of claim 11, further comprising displaying the image according to the image data only when the viewing conditions have been satisfied and a viewing station has been turned on for an acceptable amount of time.

Claim 17 (Original): The method of claim 11, wherein the viewing conditions comprise warm-up information that specifies an amount of time, the method further comprising displaying the image according to the image data only when a display device at a viewing station has been turned on for the amount of time.

Claim 18 (Original): The method of claim 11, wherein displaying the image according to the image data comprises converting the image data from a first coordinate system to a second coordinate system and driving a display device according to the converted image data.

Claim 19 (Previously Presented): A method comprising:
receiving input from at a computer specifying viewing conditions for an image at a viewing station; and
sending the image and the viewing conditions from the computer to the viewing station, wherein the viewing station displays the image subject to satisfaction of the viewing conditions at the viewing station.

Claim 20 (Previously Presented): The method of claim 19, further comprising limiting access to the viewing conditions at the viewing station such that a user at the viewing station cannot change the viewing conditions.

Claim 21 (Previously Presented): A computer readable medium carrying program code that when executed at a viewing station:
receives an image and viewing conditions for the image from a computer; and
restricts display of the image at the viewing station when the viewing conditions are not satisfied at the viewing station.

Claim 22 (Original): The computer readable medium of claim 21, wherein the viewing conditions comprise calibration information that specifies an amount of time, wherein the program code when executed restricts display of the image unless a display device at a viewing station has been calibrated within the amount of time.

Claim 23 (Original): The computer readable medium of claim 22, wherein the program code when executed prompts a user to calibrate the display device at the viewing station when the display device has not been calibrated within the amount of time.

Claim 24 (Original): The computer readable medium of claim 21, wherein prior to displaying the image, the program code when executed prompts a user to calibrate a display device at a viewing station in order to view the image.

Claim 25 (Original): The computer readable medium of claim 21, wherein the program code when executed restricts display of the image when a display device of a viewing station has not been turned on for an acceptable amount of time.

Claim 26 (Original): The computer readable medium of claim 21, wherein the program code when executed displays the image by converting image data from a first coordinate system to a second coordinate system and driving a display device according to the converted image data.

Claim 27 (Previously Presented): A computer readable medium carrying program code that when executed:

- receives input at a computer specifying viewing conditions for an image; and
- sends the image and the viewing conditions from the computer to the viewing station, wherein the viewing station restricts display of the image unless the viewing conditions are satisfied at the viewing station.

Claim 28 (Previously Presented): The computer readable medium of claim 27, wherein the program code when executed limits access to the viewing conditions at the viewing station such that a user at the viewing station cannot change the viewing conditions.

Claim 29 (Original): The computer readable medium of claim 27, wherein the viewing conditions comprise calibration information indicating a required calibration state of a display device associated with the viewing station.

Claim 30 (Original): The computer readable medium of claim 27, wherein the viewing conditions comprise warm-up information indicating a required amount of time that a display device associated with the viewing station must be turned on.

Claim 31 (Original): The computer readable medium of claim 27, wherein the viewing conditions include information specifying one or more sharpening techniques to be applied at the viewing station.

Claim 32 (Previously Presented): A computer readable medium storing an image file that includes image data and viewing conditions for the image file, wherein access to the image data of the image file at a viewing station is restricted by the image file when the viewing conditions have not been satisfied at the viewing station.

Claim 33 (Original): The computer readable medium of claim 32, wherein the viewing conditions comprise calibration information indicating a required calibration state of a display device associated with the viewing station.

Claim 34 (Original): The computer readable medium of claim 32, wherein the viewing conditions comprise warm-up information indicating a required amount of time that a display device associated with the viewing station must be turned on.

Claim 35 (Original): The computer readable medium of claim 32, wherein the viewing conditions include information specifying one or more sharpening techniques to be applied at the view station.

Claim 36 (Original): The computer readable medium of claim 32, wherein the image file includes enabling data that can enable and disable the viewing conditions, wherein access to the image data at the viewing station is restricted by the image file when the viewing conditions have not been satisfied and the enabling data enables the viewing conditions, and wherein access to the image data is not restricted at the viewing station when the enabling data disables the viewing conditions.

Claim 37 (Original): The computer readable medium of claim 32, wherein access to the viewing conditions within the image file is restricted such that only an administrator can change the viewing conditions.

Claim 38 (Previously Presented): A method comprising:

determining an amount of time that a display device at a viewing station has been turned on; and

restricting viewing of an image received from a computer with one or more viewing conditions when the display device has not been turned on for an acceptable amount of time as defined by the viewing conditions.

Claim 39 (Previously Presented): The method of claim 38, further comprising informing a user at the viewing station when the image can be viewed at the viewing station.

Claim 40 (Previously Presented): The method of claim 38, further comprising launching a calibration procedure at the viewing station only after the display device has been turned on for the acceptable amount of time.

Claim 41 (Previously Presented): A method comprising:

determining an amount of time that a display device has been turned on; and
restricting a calibration procedure for the display device when the display device has not been turned on for an acceptable amount of time such that the calibration procedure can only be performed on the display device once the display device has been turned on for the acceptable amount of time.

Claim 42 (Original): The method of claim 41, further comprising restricting viewing of an image when the display device has not been turned on for the acceptable amount of time.

Claim 43 (Previously Presented): A computer readable medium carrying program code that when executed:

- determines an amount of time that a display device at a viewing station has been turned on; and

- restricts viewing of an image received from a computer with one or more viewing conditions when the display device at a viewing station has not been turned on for an acceptable amount of time as defined by the viewing conditions.

Claim 44 (Previously Presented): A computer readable medium carrying program code that when executed:

- determines an amount of time that a display device has been turned on; and

- restricts a calibration procedure for the display device when the display device has not been turned on for an acceptable amount of time such that the calibration procedure can only be performed on the display device once the display device has been turned on for the acceptable amount of time.

Claim 45 (Previously Presented): A method comprising:

- receiving an image and viewing conditions at a viewing station from a computer; and

- restricting an ability of a user to proof the image on a display device at the viewing station when viewing conditions have not been satisfied at the viewing station.

Claim 46 (Original): The method of claim 45, wherein restricting comprises restricting viewing of the image.

Claim 47 (Original): The method of claim 45, wherein restricting comprises restricting an ability to annotate the image.

Claim 48 (Original): The method of claim 45, wherein the viewing conditions comprise calibration information indicating a required calibration state of a display device associated with the viewing station.

Claim 49 (Original): The method of claim 45, wherein the viewing conditions comprise warm-up information indicating a required amount of time that a display device associated with the viewing station must be turned on.

Claim 50 (Original): The method of claim 45, wherein the viewing conditions include information specifying one or more sharpening techniques to be applied at the viewing station.

Claim 51 (Previously Presented): A method comprising:
 receiving an image and viewing conditions for the image at a viewing station from a computer; and
 displaying the image on a display device at the viewing station with conspicuous marking indicating that the image is not verified when the viewing conditions have not been satisfied at the viewing station.

Claim 52 (Original): The method of claim 51, further comprising displaying the image with annotations, wherein the annotations are conspicuously marked as being added during non-verified viewing.

Claim 53 (Previously Presented): A computer readable medium storing a folder of images and meta data file associated with the folder, wherein the meta data file includes viewing conditions for all images in the folder, wherein an ability to display the images on a display device at a viewing station is restricted when the viewing conditions are not satisfied at the viewing station.

Claim 54 (Previously Presented): A soft proofing system comprising:

a computer that specifies one or more viewing conditions of a set of images in a folder by setting the viewing conditions in a meta data file associated with the folder and sends the folder and the viewing conditions; and

a viewing station that receives the folder and the viewing conditions and displays one or more of the images in the folder subject to satisfaction of the viewing conditions at the viewing station.

Claim 55 (Previously Presented): The system of claim 1, further comprising a plurality of viewing stations to receive the image and the viewing conditions and display the image subject the viewing conditions being satisfied at the respective viewing stations.

Claim 56 (Previously Presented): The system of claim 1, wherein the viewing conditions specify a specific color profile, and wherein the viewing station satisfies the viewing conditions by applying the specific color profile for preparation of the image.

Claim 57 (Previously Presented): The system of claim 11, wherein the viewing conditions specify a specific cyan-magenta-yellow-black (CMYK) proof simulation, and wherein the viewing station satisfies the viewing conditions by applying the specific CMYK proof simulation.

Claim 58 (Previously Presented): The method of claim 11, wherein the viewing conditions include application of a specific cyan-magenta-yellow-black (CMYK) proof simulation.

Claim 59 (Previously Presented): The method of claim 19, wherein the viewing conditions include application of a specific color profile for preparation of the image.

Claim 60 (Previously Presented): The method of claim 19, wherein the viewing conditions include application of a specific cyan-magenta-yellow-black (CMYK) proof simulation.

Claim 61 (Previously Presented): The computer readable medium of claim 21, wherein the viewing conditions include application of a specific color profile for preparation of the image.

Claim 62 (Previously Presented): The computer readable medium of claim 21, wherein the viewing conditions include application of a specific cyan-magenta-yellow-black (CMYK) proof simulation.

Claim 63 (Previously Presented): The computer readable medium of claim 27, wherein the viewing conditions include application of a specific color profile for preparation of the image.

Claim 64 (Previously Presented): The computer readable medium of claim 27, wherein the viewing conditions include application of a specific cyan-magenta-yellow-black (CMYK) proof simulation.

Claim 65 (Previously Presented): The computer readable medium of claim 32, wherein the viewing conditions include application of a specific color profile for preparation of the image.

Claim 66 (Previously Presented): The computer readable medium of claim 32, wherein the viewing conditions include application of a specific cyan-magenta-yellow-black (CMYK) proof simulation.

Claim 67 (Previously Presented): The method of claim 45, wherein the viewing conditions include application of a specific color profile for preparation of the image.

Claim 68 (Previously Presented): The method of claim 45, wherein the viewing conditions include application of a specific cyan-magenta-yellow-black (CMYK) proof simulation.

Claim 69 (Previously Presented): The method of claim 51, wherein the viewing conditions include application of a specific color profile for preparation of the image.

Claim 70 (Previously Presented): The method of claim 51, wherein the viewing conditions include application of a specific cyan-magenta-yellow-black (CMYK) proof simulation.

Claim 71 (Previously Presented): The method of claim 53, wherein the viewing conditions include application of a specific color profile for preparation of the image.

Claim 72 (Previously Presented): The method of claim 53, wherein the viewing conditions include application of a specific cyan-magenta-yellow-black (CMYK) proof simulation.

Claim 73 (Previously Presented): The system of claim 54, wherein the viewing conditions include application of a specific color profile for preparation of the image.

Claim 74 (Previously Presented): The system of claim 54, wherein the viewing conditions include application of a specific cyan-magenta-yellow-black (CMYK) proof simulation.